

ANDREW WONG ESQ.
Nevada Bar No. 14133
VEGAS GOLDEN LAW
500 Rose Street
Las Vegas, NV 89106
Phone (702) 385-7170
Email: vegasgoldenlaw@gmail.com
Attorney for Defendant- Otoniel Garcia

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
OTONIEL GARCIA,
Defendant

Case No. 2:21-cr-315-GMN-NJK

**STIPULATION TO CONTINUE
STATUS CHECK HEARING
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason Frierson, United States Attorney, and Jacob Operkalski, Assistant United States Attorney, counsel for the United States of America, and Michael Miceli and Andrew Wong, counsel for Otoniel Garcia, that the status hearing set for July 3, 2024 at 10am, be vacated and set for July 15, 2024 at 10am.

The Stipulation is entered into for the following reasons:

1. Mr. Wong has spoken to Mr. Garcia and he wishes to maintain his guilty plea pursuant to the negotiated plea agreement. The parties anticipate requesting a sentencing date at the status check.

2. Mr. Wong has a scheduling conflict the morning of July 3. Mr. Miceli will be out of the jurisdiction from July 3 to July 13.

3. All parties are available July 15, 2024 at 10am and request that date and time for the status check.

4. The defendant is incarcerated and does not object to the continuance.

1 5. The parties agree to the continuance.

2 6. The additional time requested herein is not sought for purposes of delay, but
3 merely to allow counsel for defendant sufficient time within which to be able to effectively
4 prepare for sentencing.

5 This is the first stipulation to continue filed herein.

6 DATED: June 25 2024.

7 By /s/ Andrew Wong
8 Andrew Wong
9 Counsel for Otoniel Garcia

JASON FRIERSON
United States Attorney

9 By /s/ Michael Miceli
10 Yi Lin Zheng
11 Counsel for Otoniel Garcia

By /s/ Jacob Operkalski
Jacob Operkalski
Assistant United States Attorney

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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

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5 UNITED STATES OF AMERICA,
6 Plaintiff,
7 v.
8 Otoniel Garcia,
9 Defendant.

Case No. 2:21-cr-315-GMN-NJK

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

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11 **FINDINGS OF FACT**

12 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
13 Court finds that:

14 1. Mr. Wong has spoken to Mr. Garcia and he wishes to maintain his guilty plea
15 pursuant to the negotiated plea agreement. The parties anticipate requesting a sentencing date
16 at the status check.

17 2. Mr. Wong has a scheduling conflict the morning of July 3. Mr. Miceli will be
18 out of the jurisdiction from July 3 to July 13.

19 3. All parties are available July 15, 2024 at 10am and request that date and time for
20 the status check.

21 4. The defendant is incarcerated and does not object to the continuance.

22 5. The additional time requested herein is not sought for purposes of delay, but
23 merely to allow counsel for defendant sufficient time within which to be able to effectively and
24 complete investigation of the discovery materials provided.

25 6. Additionally, denial of this request for continuance could result in a miscarriage
26 of justice. The additional time requested by this Stipulation is excludable in computing the time

1 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
2 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
3 Section 3161(h)(7)(B)(i), (iv).

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5 **CONCLUSIONS OF LAW**

6 The ends of justice served by granting said continuance outweigh the best interest of the
7 public and the defendant in a speedy sentencing, since the failure to grant said continuance
8 would be likely to result in a miscarriage of justice, would deny the parties herein sufficient
9 time and the opportunity within which to be able to effectively and thoroughly prepare for
10 sentencing, taking into account the exercise of due diligence.

11 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
12 United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18,
13 United States Code, § 3161(h)(7)(B)(i), (iv).

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ORDER

15 IT IS ORDERED that the sentencing scheduled for July 3, 2024 at 10am is vacated and
16 continued to July 15, 2024 at 10am.

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DATED: June 25, 2024.

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19 
UNITED STATES DISTRICT JUDGE

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